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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,719	10/24/2003	Douglas R. Swarts	006386.P002	1572
40418	7590	03/08/2006	EXAMINER	
HEIMLICH LAW 5952 DIAL WAY SAN JOSE, CA 95129			CHAMBERS, A MICHAEL	
			ART UNIT	PAPER NUMBER
			3753	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,719	<b>Applicant(s)</b> SWARTS, DOUGLAS R.	
	<b>Examiner</b> A. Michael Chambers	<b>Art Unit</b> 3753	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. This action is in response to an amendment filed September 2, 2005. In view of a petition decision mailed September 21, 2005, the notice of abandonment for the instant application mailed August 9, 2005, has been withdrawn. Applicant is asked to review the procedures in MPEP Chapter 2300 in particular Sections 2306 and 2307 (37 CFR 1.606 and 1.607). Section 2307 in particular is drawn to procedures for: Applicant Requests interference With A Patent. Applicant is asked to maintain a clear line of demarcation between the subject matter of applicant's copending application 10/921,125, filed August 18, 2004 (continuation of the instant application). In view of the decision mailed December 20, 2005, the notice of abandonment mailed August 22, 2005 of parent application serial number 10/921,125 has been withdrawn. Claims 1 and 14 have been amended to include the recitation of a nozzle attached to extendible and retractable hose. Claims 1-24 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoelhorn et al. In particular note Figure 1 and the disclosure of column 2, lines 65+. (use of compressed pressurized air to extend and retract the accordion-type hose 42). An air tank is the source of

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pressurized gas. The "liquid" in the tanks 10 and 12 is black and gray water. A vehicle 20 is shown. Relative elevation relations to allow discharge from tanks 10 and 12 is clearly shown in Figures 1 and 4. Contrary applicant's remarks, a nozzle 54 is clearly shown attached to the extendible and retractable hose which are communication with the one or more tanks 10 and 12. Remarks above apply to similarly amended claim 14.

### *Conclusion*

4. Note the electrical/mechanical movement means (column 2, lines 10+) of Mercer and the Aair pressure movement means $\cong$ , as taught by Nappi et al. Nappi et al show Aair pressure movement means $\cong$  10, pressurized fluid, etc. Application of pressure would cause the tubular end member to be A...free from engagement with external ribs of (the) tubular member $\cong$  .(i.e., the end of the tubular member while extended would be slidably engaged with the vehicle). See Figure 2 of Mercer including end 80 and Figure 1 showing the extended tubular member. Further in particular note Figure 1 of Collins and retractable corrugated tubular member storage means(Figure 3) of Feliz.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 571-272-4908. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)



A. Michael Chambers  
Primary Examiner  
Art Unit 3753

amc

January 17, 2005